

REMARKS

Applicants confirm the oral election of Group I (claims 1-8). On further consideration, the traversal is withdrawn and the non-elected claim has been cancelled without prejudice to applicants' right to file an appropriate continuing application directed thereto.

The allowance of claims 2-8 has been noted with appreciation.

Claim 1 has been amended to specify that the cork has a non-calibrated cylindrical surface, as disclosed on page 2 of the application, and an additional claim to the cork formatted in product-by-process form has been submitted.

The only rejection is of claim 1 under 35 USC 103 over Choate in view of Collins. This rejection is respectfully traversed.

As a preliminary matter, it is noted that Choate claims priority to a U.S. application No. 040887, filed February 26, 1997. This was apparently a provisional application and a U.S. patent based on that provisional application eventually issued as U.S. 5,970,865. A copy of the U.S. patent is attached hereto for the convenience of the Examiner.

Choate discloses a method and apparatus for printing different color inks on the outside surface of a curved surface. While the surface is generically referred to as the surface of a cylindrical body, it is quite clear that Choate is concerned with the printing on the surface of cans. This is done by the consecutive application of separate colors through the carrier position marked by the numerals 1 to 6 where the cans consecutively contact the resulting printing elements 15, thus performing rolling of the cylindrical surfaces without slipping. Accordingly, precise control of the initial contact point for each of the colors is necessary. This method of printing on the cylindrical can surface requires the presence of a fixed axis of rotation of the item and precise control of the item's angular and axial positioning during the positioning of the respective color stations.

The Office Action acknowledges that Choate does not “explicitly disclose printing on a cork.” It is respectfully submitted that this is an overstatement since it implies that Choate contemplates printing on a cork whereas the only cylindrical surface disclosed in the reference is a can. One skilled in the art would not rely on the Choate reference with regard to printing on cork because a contact based printing method with consecutive printing of colors requires the application of force caused by the printing element on the cork and this results in a systematic displacement of the working position due to the inherent deformation in the structure of the cork material. A person skilled in the art who wants to print a high quality polychromatic image on cork, the cork being a non-calibrated item, using the Choate invention or any other device for consecutive printing of colors will face extremely difficult and likely insurmountable technical problems. The fact that a can surface can be printed with multiple colors does not suggest that the same method can be used to achieve a polychromatic printing on cork.

The Collins patent has been relied on to teach the desirability of printing on cork “to improve the esthetic look of the corks or to convey information.” While a disclosure in this reference of printing to improve the esthetics or to convey information has not been noted, Collins teaches printing on the cylindrical side surfaces of the synthetic resinous corks used for wine bottles which are not normally receptive to printing inks. The patent discloses a method for preparing the surface for printing by means of gaseous flame processing in order to improve adhesion to the ink and also describes the application of a special silicone layer after the printing. It is apparent that Collins is not concerned with polychromatic printing. In order to combine Collins with Choate, it is imperative that there must be a motivation to do so and no motivation can be found in either reference or elsewhere in the present record. For reasons previously stated, one skilled in the art would not attempt to employ a process of applying a plurality of colored inks to a surface such as cork using the Choate process.

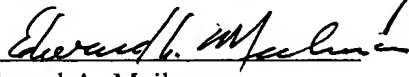
Offset printing may be suitable for items with a smooth and clean surface that have a regular geometric shape. Choate relates to the printing of can surfaces and Collins

to printing on calibrated cylindrical corks made of synthetic materials. These are smooth and clean and have regular geometric shapes. The high dustiness of the working environment and the physical mechanical qualities of corks made of natural cork and cork mixtures make the application of color offset printers to such non-calibrated cylindrical surfaces inappropriate. The present invention overcomes the problems encountered in the prior art with the soft, non-calibrated surface of the cork. Such corks are not taught or suggested in the prior art.

In light of the foregoing considerations, it is respectfully submitted that this application is now in condition to be allowed at the early issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

By 
Edward A. Meilman
Registration No.: 24,735
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicant